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Sub:- Constituent Assembly; Important Notes Relating to Minorities Safeguards.

Notes Prepared.

Previous References.	Later References.

G-4

G-97 (Unbleached).

1

Sardar Ujjal Singh, Sardar Harnam Singh, Gyani Kartar Singh and Sardar Mangal Singh accompanied by Mr. K. M. Munshi saw me on the evening of the 17th December 1946 and suggested that in fulfilment of the Congress promise to give full protection to the rights of Sikhs, a resolution should be passed by the Constituent Assembly to the following effect :-

"(1) that in considering the report of the Advisory Committee appointed under Para 20 of the Statement of May 16, 1946, no decision will be taken by the Union Constituent Assembly in any matter affecting the rights of Sikhs as a minority in the Punjab and in Group B Constitution, if any, unless a majority of Sikh members present and voting are in favour of it; and

(2) that when appointing the Advisory Committee the Constituent Assembly should lay down a time when its report should be submitted and that its composition should be fixed now, although the election to it may be left over for the Muslim League to participate in it."

Committee of Fundamental Rights.

Province.	Community.	Population.	No. of Representatives
India(whole)	Sikh	5,691,447	4
"	Anglo-Indian	140,422	1
"	Indian Christian	6,040,665	4
"	Depressed Classes.	48,813,130	30
"	Parsis	114,890	2
"	Buddhists	-	1
Bengal	Hindus	17,680,054	12
Punjab	"	6,301,737	4
N.W.F.P.	"	280,321	1
Sind	"	1,039,292	1
Madras.	Muslims.	3,896,452	3
Bombay.	"	1,920,368	1
C.P.	"	783,697	1
U.P.	"	8,416,308	6
Bihar	"	4,716,314	3
Assam	"	3,442,479	2
			76
		Experts.	7
		Total.	83

Constitution of the Committee of Tribal Rights.

Name of Provinces.	Population.	No. of Representatives.
Assam	24,84,996	2
U. P.	2,89,442	-
C.P. and Berar	29,37,364	2
Madras	3,62,029	-
Bombay	16,14,298	1
Bihar	50,55,647	3
Bengal	18,89,339	1
Orissa	17,21,006	1
N.W.F.P.	-	1
		11
	Experts.	4
	Total	15

Constituent Assembly,
New Delhi,

The 17th December 1946.

Dear Acharya Kripalani,

We believe that you fully appreciate the Sikh view point as regards their participation in the Constituent Assembly. Even before the publication of the Statement of the Cabinet Mission dated the 16th May, 1946, Master Tara Singh and Sardar Baldev Singh conveyed to the Cabinet Mission and the Viceroy that the proposals were wholly unacceptable to the Sikh community. Master Tara Singh thereafter wrote a letter to Lord Pethick Lawrence on the 25th May, 1946 asking for clarification on some specific points detailed in that letter. That letter you will find published in the Papers relating to the Cabinet Mission at page 61. Lord Pethick Lawrence replying to that letter observed "The estimate of the importance of your community would never depend upon the number of seats that you hold in the Constituent Assembly. The Viceroy has told me that he will be glad in view of the anxieties you have expressed on behalf of your community to discuss the position of the Sikhs with the leaders of the main parties when the Constituent Assembly has been formed that the interests of the Sikhs should on no account be overlooked."

The Working Committee of the Congress in their resolution dated the 24th May, 1946, stated inter alia that the proposals were unfair to some interests in India, not only the Sikhs. Sardar Vallabhai Patel on 6th July made a statement to the press with the concurrence of the members of the Working Committee and in that statement he stated that it was unfair to the Sikhs that safeguards provided in the Statement for the Hindus and the Muslims were not provided for the Sikhs in the affairs of the Punjab and the North-western Section. This position has been the position of the

letter dated the 12th June from Peshawar and to the Viceroy.

Then came the Wardha resolution of the Working Committee of the Congress dated the 8th August. The resolution related exclusively to the Sikhs and their position in the Constituent Assembly. The Working Committee re-affirmed that the proposals were unjust to the Sikhs and declared that the Congress would do all it can to remove the grievances of the Sikhs arising from the Statement. In fact the Sikh deputation that waited upon the Congress Working Committee at Wardha was given an assurance that the question of safeguards for the Sikhs in the Provincial and the Sectional spheres would be considered at the preliminary meeting of the Constituent Assembly. This stand of the Congress was presumably based upon the plan of the Cabinet Mission because Sir Stafford Cripps speaking in the House of Commons in the course of the India debate dated the 10th July stated :-

"It was a matter of great distress to us that the Sikhs should feel that they had not received the treatment which they deserved as an important section of the Indian people. The difficulty arises not from anyone's under estimate of the importance of the Sikh community, but from the inescapable geographical facts of the situation..... This situation will to some extent we hope be remedied by their <u>full</u> representation in the Advisory Committee on minorities set up in paragraph 20 of the Statement of May 16. <u>Over and above that we have represented to the major parties who were both receptive that some special means of giving the Sikhs a strong voice in the affairs of the Punjab and the Northwestern Section should be devised.</u>"

This statement made by Sir Stafford Cripps clearly indicates that special means have to be devised by the

Constituent Assembly of India for giving the Sikhs a strong voice in the affairs of the Punjab or the Northwestern Section. In other words these means must be available to the Sikhs at the time when the sections meet after the preliminary meeting of the Constituent Assembly, for otherwise the Constituent Assembly of India would have failed in its duty to devise those special means for the protection of the Sikhs.

It will not be out of place to add that the Sikhs had condemned the proposals of the Cabinet Mission and had declared their decision to boycott the Constituent Assembly on the 10th June 1946. The elections to the Constituent Assembly were held in July 1946 and at that stage the Sikhs of all shades of opinion had again unanimously resolved to boycott the elections. They reversed their policy on the 14th August and decided to give the Constituent Assembly method a fair trial mainly in response to the appeals made by the Congress leaders in their statements and in their resolution of the 8th August 1946 referred to above.

We trust that the Congress High Command is alive to the needs of the Sikh community and would be prepared to devise special means in the Constituent Assembly for giving the Sikhs a strong voice in the affairs of the Punjab and the Northwestern Section. It goes without saying that the House would be prepared to agree to any reasonable proposal that the Congress High Command may suggest in this behalf.

We suggest that the points specified hereunder may be considered and given effect to :-

(a) The Sikhs must be given full representation on the Advisory Committe which under the plan of the Cabinet Mission is to consist mainly of minorities. On the Advisory Committee there is no question of representation on population basis; that basis has been ruled out by the Cabinet Mission and for obvious reasons.

by the Union Constituent Assembly of India. The jurisdiction of the sections has been ousted on matters stated in para. 20 of the Statement. The Union Constituent Assembly will take final decisions on the clauses for the protection of minorities and the list of fundamental rights and the on the Scheme evolved for the administration of Tribal and Excluded areas. We propose that when the report of the Advisory Committee comes up before the Union Constituent Assembly a provision may be made by a specific resolution that questions raising major communal issues affecting the Sikhs in the affairs of the Punjab and the Northwestern Section shall not be deemed to be passed unless they are passed by a majority of the members present. This can be put up before the Assembly in the form of a resolution which will undoubtedly be one of the rules of procedure for the conduct of the business in the Assembly.

You will again find that we do not propose at this stage any departure from the provision of para. 15 or any repudiation of the latest statement of His Majesty's Government.

We trust that your Working Committe will find time to consider our proposals at once for otherwise there may be no time left for placing these matters before the Assembly. This is essential because as you know we have come under a mandate from the Pritinidhi Panthic Board which is that in case safeguards are not provided for the Sikhs in the preliminary meeting the Pritinidhi Panthic Board would be compelled to recall the members from the Constituent Assembly and instead of participation in the work of the Assembly resort to such measures as may be devised by the said Board.

Yours Sincerely,

Hari Singh

Kartar Singh

Ujjal Singh

C.A.-E 4

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A deputation of the representatives of Lachhias and Bhoties have seen me and represented their case for special treatment as tribal people in the district of Darjeeling. Majority of the population in that district consists of Gorkhas who are Nepalese and Hindi and Bengalee speaking people. They (Bhoties and Lachhias) constitute a small minority. They have not had facilities for education, public service etc. which are available to other communities. The draft Constitution provides in the 6th Schedule for special treatment of tribal people and in the report of the Tribal Committee they are specially mentioned. I have told them that so far as the Constitution is concerned there is provision for an Advisory Council which will deal with tribal people and in whom they are also included and as regards their grievances, it is the Government of Bengal which has to be approached. They have already approached the Governor with a representation, a copy of which they have given to me. They seek the assistance of the Government of India to get justice for them.

(Rajendra Prasad)

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Subject: Constituent Assembly of India. All India Congress Committee's Votes on American Constitution.

Previous References.

Later References.

C-30

ALL INDIA CONGRESS COMMITTEE

(CONSTITUENT ASSEMBLY SECTION)

19, Windsor Place,
New Delhi,
18th November, '46.

Dear Friend,

While much has been written about the American Federal Constitution, very little is known in this country regarding the working of the various States' Constitutions in the United States. I am therefore enclosing herewith for your information a copy of certain questions put to Mr. William C. Johnstone, Chief Public Affairs Officer, United States Information Service, and of the answers given by him. I trust they will be of some interest to you.

Yours sincerely,
KRKripalani
(Secretary)

Encl: "Some Questions and answers on the American Constitution"

C-30

K. 445/47.

NOTES ABOUT AMERICAN CONSTITUTIONS.

HISTORICAL.

1. WHEN WERE THE STATE CONSTITUTIONS DRAFTED?

The first State Constitutions adopted were those of Virginia (1776) and New York (1777). Constitutions for the remaining original 13 States were adopted in the period 1777 to 1789.

2. WERE ANY OF THE OLD CONSTITUTIONS BASED ON BRITISH CHARTERS CONTINUED AFTER 1789 AND, IF SO, WHAT ADAPTATIONS WERE MADE TO SHAKE OFF THE BRITISH ALLEGIANCE?

Under the Colonial Charter issued by the British Crown, the Colonial Governor had extensive powers and although a single legislative body was provided for, there was also an Executive Council appointed by the Governor through which the Governor acted to prevent action or legislation held undesirable.

Arbitrary exercise of executive authority by the colonial Governors was an important cause for the revolt of the colonists. Therefore, in framing their new constitutions, they introduced numerous checks and restrictions on the executive authority, such as a bicameral legislature and provisions that laws could be passed by the legislature over the Governor's vote, usually by a two-thirds vote.

The allegiance of the people of the colonies to the Crown was broken generally at the time of the adoption of the Declaration of Independence, 1776, confirmed under the Aricles of Confederation and the final adoption of the Constitution of 1789 established a new allegiance of the people to a new nation, the United States of America.

3. WHAT IS THE LATEST STATE CONSTITUTION?

Few states have completely revised their constitutions. Arizona, the 48th State has the latest completely new constitution, approved in 1912 when Arizona was admitted to the Union. New York thoroughly revised its Constitution in 1938, but did not adopt a completely new document. The amendment process in the States is not difficult and changes in State Constitutions have been a continuing process. The average number of amendments made to Constitutions for all States is 52. Many of these amendments relate to the powers and functions of local governments and to corperations.

LEGISLATURES.

1. HOW MANY STATE CONSTITUTIONS PROVIDE FOR BICAMERAL AND HOW MANY UNICAMERAL?

Only one State, Nebraska, has adopted the unicameral legislature.

2. In the bicameral legislatures, is the relation of the houses in any way different from those of the U.S. Congress?

There are no fundamental differences, only minor, although sometimes important differences in procedures, such as the use of joint committees and rules respecting introduction and passage of legislation. Organisation and representation are similar to that of the U.S.Congress.

3. IN THE UNICAMERAL LEGISLATURES,WHAT METHODS ARE USED TO PREVENT HASTY LEGISLATION?

The usual method, which is also found in bicameral legislatures and in the Congress, is the rule that all bills must be referred to a Committee and then reported to the House for action. The bill is read by title and is placed on the calendar of the House for debate. When the bill is called for debate, it must be read in full by the clerk. After dobate, in some legislatures, there is a rule that the bill must go over a full legislative day before final vote is taken.

Note: These and other rules have not prevented hasty legislation in our State legislatures and our Congress at the end of a session when the legislators are anxious to go home. This is equally true in Nebraska. Some States have tried to prevent this by providing for "split" sessions, e.g. two meetings of the legislature; during the first, no measures are voted upon, but bills are referred to the Committees for hearings and recommendation, and debate is held on the more important measures. In the second meeting, debate on all measures recommended by the Committee is held and a vote taken. (See further comment at the end of this section)

4. ARE NON-NATIONAL RESIDENTS ENTITLED TO VOTE IN ANY OF THE STATES?

No. All 48 States require that a voter be either a natural-born or a naturalized citizen of the United States. Five of the 48 States require a voter to have lived within the States for periods of 3 months to 5 years.

5. ARE THERE PLURAL CONSTITUENCIES AND, IF SO, WHAT IS THE METHOD OF VOTING?

There are no plural constituencies in the meaning of the term as understood in India. Some cities have experimented with a system of voting known as proportional representation using both the European type "list" system of preferential voting and with an American system known as the "Hare" system of proportional representation. Under the latter system, religious, social and economic or racial or political groups have the opportunity to elect their representatives. Most American Political Scientists regard the Hare system as excessively complicated and it can only be easily used by the voter where voting machines are available and clear explanations and considerable education have preceded its use.

6. WHAT ARE THE QUALIFICATIONS FOR CANDIDATES?

In all States there are two principal qualifications: residence and age. Specific residence and age requirements vary considerably, with longer residence and higher age requirements applicable to candidacy for the higher offices.

In states which have laws requiring registration of voters before primary elections, all candidates must be registered voters.

7. HOW MANY STATES HAVE PROVISIONS FOR:

A. INITIATIVE
B. REFERENDUM
C. RECALL?

A. INITIATIVE: 13 of the 48 States permit amendments to be made to their Constitutions by the initiative. The initiative process in this case involves a petition stating the amendment proposed which must be signed by from 8 to 15 per cent of the voters, depending on the State; 5 States specify that these signatures must be secured from the various districts of the State. After the requisite number of signatures has been obtained petitions are transmitted to a designated State official and after checking, if the proposed amendment has the required number of signatures, the amendment is placed on the ballot to be voted upon at the next election of State officials. Requirements in regard to ratification of such amendments are usually the same as for amendments proposed by the legislature, e.g. an ordinary majority of votes.

19 of the 48 States permit their voters to enact ordinary legislation by initiative (usually termed "statuatory initiative"). This type of initiative is used in cases where legislation proposed in the regular legislative session has failed of passage or has been ignored but has popular support. Petitions, containing the text of the bill or a summary of it, are circulated among voters on a petition form for signature; from 3 to 10 percent of the total qualified voters are required to make the petition valid. When the necessary number of signatures have been secured, the measure automatically is introduced in the legislature and then must go through the regular legislative process. Some States provide that if the legislature refuses to vote on such initiated legislation, an additional per centage of signatures may be secured and then the bill automatically comes up to a vote. Other States provide that initiated bills, if receiving the required number of signatures, may be placed on the ballot at the next election for action by the voters. This even more direct type of initiated legislation is not widely used. In general the initiative procedure has proved most effective in respect to constitutional amendments, and the strong support of this procedure evidenced between 1910 and 1919 has greatly diminished.

B. REFERENDUM: This is the most popular form of direct legislation by the voters and is in use in various forms in 21 of the 48 States. The purpose of the referendum is to give the voters a chance to express themselves regarding laws which the legislature has passed and which the Governor has already approved. In some States the referendum is not permitted if the laws are labelled "emergency" laws and this practice has nullified the practical effect of the referendum. Most States in which the referendum is possible have defined all laws of general interest or effecting the public welfare

as susceptible of the referendum procedure.

In 16 States, from 5 to 10 per cent of the voters are required to sign a referendum petitinn. 4 States require a definite number of voters- 6 to 16,000. 6 States require that the signatures come from voters in various sections of the state.

After the required signatures have been secured, a State official must certify that the petition is legal and the measure is placed on the ballot for voting at the next election.

In general, opinion seems to be that the chief result of the initiative and referendum procedure is a negative one. Knowing that the voters can take legislative actionx seems to have made legislators more responsive and more careful in their work.

C. RECALL: The recall is designed to give the voters an additional check on their elected officials and in some States has been applied to certain appointed officials, e.g. heads of departments. Its chief value is found where the term of an elected official is longer than ~~xxx~~ two years and it tends to make an elected official more responsible.

When it appears that an official has proved unworthy, a recall petition is drafted and circulated ~~xxxxx~~ among the voters for signature, and most States require that such a petition bear the signatures of from 10 to 35 per cent of the qualified voters. When the necessary number of signatures are obtained the petition must be sent to the official designated by law who checks the signatures and ascertains whether all legal requirements have been met. This done, a special election must be held within a month unless a regular election falls due within that time. In recall elections, the voters do not express their preference for or against the official to be recalled from office, but actually vote for this official and one or more others who have been nominated by petition to succeed him. This, if the official subject to recall receives a majority of votes, is equivalent to a vote of confidence and he retains his post. If another official receives a majority, he takes office in place of the official recalled.

11 States use the recall at the present time. No States have adopted this procedure since 1926. In the main, the recall in these States has been used with respect to local officials of muncipalities and counties.

The fact that the voters do not act on the simple question, "Do you or do you not favour the recall of Mr. X?" has undoubtedly detracted from its usefulness as a procedure. There is also the fact that a two year term for elective officials is very general and most voters feel an official should be given this chance to prove himself, if he doesn't, the voter has an opportunity to replace him at the next regular election.

8. ADDITIONAL NOTES ON STATE LEGISLATURES.

The Legislative Council. A number of States have established an agency known as the Legislative Council. This is composed of members of the legislature, in reality a committee on legislation, and a research staff. The purpose of the Council is to study existing and proposed legislation, particularly when the legislature is not in session and prepare reports and recommendations on such legislation. Such Councils have proved most successful in studies of matter on which party or partisan politics are not crystallised. Examples: Methods of financing a State welfare program; consolidation of local government agencies; methods of establishment of workman's compensation system. In other words, it is the business of the Legislative Council to survey a problem of legislation, and to make recommendations for several alternative methods of achieving a legislative objective, thus presenting to the legislative several well-thought our programs and giving to the legislature the result of expert investigation.

Legislative Reference Sefvices. Most States have established a Legislative Reference Service for the use of all members of the Legislature. This service does two things:

1. It provides research assistance to the individual legislator in preparation of speeches, getting information regarding proposed legislation, obtaining information for constituents; and

2. It provides expert assistance in drafting legislative measures.

This latter service has become increasingly important, since a legal expert is needed to draft proper and effective laws. This service is given freely to all legislators, regardless of part affiliation with funds provided by legislative appropriation.

Joint Committee System. In Massachusetts and New York, constitutional amendments have provided that the number of committee in both houses of the legislature be reduced and that the principal standing committee of both houses meet in joint session to consider and act on proposed legislation. In this manner much time is saved and many difficulties arising in separate committee action on legislation are avoided.

EXECUTIVES.

1. IN WHAT WAYS DO THE EXECUTIVE GOVERNMENTS VARY FROM THE PATTERN OF THE CENTRAL GOVERNMENT OF THE U.S.?

a. The term of the Governar varies:
in 23 States - a two year term.
in 24 States - a four year term.
in 1 State(New Jersey)- a three year term.

b. There is some difference in the functions of the executive departments, e.g. all States have a Department of Education, the Federal Government has none, since educational matters have been handled by the States.

c. In general the functions of the Governor are as follows:

i. making appointments and removals from office
ii. supervision of administration
iii. oversight of financial affairs
iv. granting pardons and paroles
v. legislative leadership and control
vi. military authority
vii. relations with national government and ~~m~~ with other states.

2. HOW FAR HAS THE SYSTEM OF ELECTING VARIOUS OFFICIALS UNDERGONE MODIFICATIONS IN RECENT YEARS?

In the administration of the State governments the tendency has been toward the adoption of a civil service for all except department heads. In local government the tendency has been to reduce the number of elective officials and mak make more officials appointive and also to introduce the civil service system.

3. WHAT ARE THE METHODS USED FOR INTER-STATE COOPERATION?

When important matters have arisen calling for inter-State cooperation, it is the custom for the States concerned to draw up an agreement, called a "compact", and present it to the Federal Congress for approval. However, of 80 inter-State compacts agreed to prior to 1932, 62 were brought to Congress and the remaining were not. Between 1934 and 1940, 24 such compacts were authorised by Congress.

Of the 80 compacts agreed to before 1932, 23 concerned boundary disputes, 10 were concerned with problems of jurisdiction over rivers, harbours and boundary waters, 5 related to criminal jurisdiction.

To facilitate these compacts, Congress has frequently authorised such compacts in advance.

The Council of State Governments. This organization has proved to be the most effective means of facilitating inter-State cooperation. It is supported financially by the State Governments and has received money for special work from the Rockefeller Foundation. It maintains a central headquarters in Chicago, Illinois. The Council serves as a central clearing house for all State Governments and as such is an official agency.

Furhher cooperation is achieved by associations of State Government officials; e.g. The National Association of Secretaries of State; the American Legislators' Association. For these associations and for similar ones composed of judicial officers and other State department heads, the Council serves as a central secretariat for meetings and for transmission of information. The Council also acts to serve the National Commission on Uniform State Laws, an agency attempting to do what its name implies.

Through the Council, problems of concern to all the States have been discussed and reports submitted and in many cases agreements and inter-State compacts have resulted.

In addition many States have appointed a Commission on Inter-State Cooperation, usually consisting of representatives of both the legislative and executive branches of the State Government. These officialx Commissions act through the Council of State Governments to facilitate cooperation.

In addition, the central office of the Council also is the headquarters for various Muncipal Associations, and other organizations of State officials. A Conference of Mayors of municipalities, similar to the Governors' Conference meets annually to consider problems of mutual interest.

4. ARE CONFLICTS BETWEEN THE EXECUTIVE AND LEGISLATURE COMMON IN THE STATES?

The Governor exercises control or influence over the legislature in the following ways:

a. As a leader in his political party which in most cases has a majority in the legislature during his term.

b. Through the use of his appointive power political patronage.

c. Through the use of his veto power over legislation: Many States give the Governor the right to veto specific items in certain types of legislation, thus the whole measure may be approved with certain items referred back to the legislature which can always pass a measure over the Governor's veto.

d. Positive influence on legislation is exercised through persuasion and legislative

and party leadership and by direct appeals to the public for support.

In general, executive-legislative conflict will always pertain in a party system of government and can be alleviated through party discipline. A certain amount of conflict is desirable since it emphasises issues to the voters and helps to maintain an informed electorate.

5. HAVE PROVISIONS RELATING TO THE IMPEACHMENT OF GOVERNORS AND OTHER OFFICIALS BEEN FOUND NECESSARY OR EFFECTIVE?

The impeachment process is, by constitutional provisions, a slow and somewhat difficult one. It was made that way purposely because it was felt that it should be used only in case of grave malfeasance of office. It has not been used extensively but there are a fair number of specific instances where it has been used successfully. Often the threat of impeachment is sufficient to correct an existing evil. Most Americans feel that it is a serious matter and should be used with circumspection. Resort to the ballot at the next election is the most common manner of getting rid of an undesirable or unwanted official.

TAXATION.

1. WHAT ARE THE MAIN SOURCES OF REVENUE OF THE STATES?

The table below indicates recent State tax trends and is indicative of the principal sources of State revenue.

Type of Tax.	1937.	1939	1940
Payroll	10.3%	20.7%	20.6%
Property	8.7%	6.7%	6.3%
Death and gift	3.5%	3.5%	3.9%
Income	10.6%	8.6%	8.4%
Business & Occupational.	11.6%	10.5%	10.2%
Tobacco	1.6%	1.5%	2.3%
Liquor	6.6%	5.7%	6.4%
Sales	12.9%	11.5%	12.0%
Motor Vehicle.	10.8%	9.3%	9.4%
Motor fuel.	21.5%	20.8%	20.6%

N.B. Percentages are of total tax income of all States.

2. WHAT ARE THE TAXES LEVIABLE BY BOTH THE STATE AND FEDERAL GOVERNMENTS AND WHAT STEPS HAVE BEEN TAKEN TO AVOID CONFLICTS?

Double taxation exists and there is no constitutional prohibition on this practise. It exists with respect to property taxes in a situation where a person owns propertyin more than one State or owns and operates a business in more than one State. It also exists in respect to Federal and State income taxes. Some steps have been taken to correct this evil but none have been very effective to date.

3. WHAT ARE THE NATURE AND EXTENT OF FEDERAL FINANCIAL ASSIATANCE TO THE STATES?

The Federal Government makes financial grants-in-aid to the States on two conditions:

a. that the State meet specific standards in the expenditure of the money, and

b. that the State Government appropriate an equal sum for the same purpose.

Federal grants-in-aid have been authorised most commonly for public road, construction, educational purposes, particularly construction of schools, for irrigation projects, etc.

The table below indicates approximate amount amount of State revenue of all 48 States from Federal Grant-in-aid funds.

Year	Millions of Dollars.
1920	75
1925	200
1930	120
1931	275
1932	225
1933	260
1934	260
1935	300
1936	300
1937	600
1940	725

Figures for 1937 and 1940 include emergency relief expenditures.

4. ARE THERE ANY STATEX ENTERPRISES IN ANY OF THE STATES?

There are very few, if any, significant State enterprises. Both the Federal Government and the Muncipalities in the United States own and operate enterprises. Many cities own and operate public utilities such as power plants, water systems, tram lines, etc.

THE POLITICAL PARTY SYSTEM.

1. ARE POLITICAL PARTIES LEGALLY RECOGNIZED AND IN WHAT MANNER?

Parties have been legally recognised only in respect to legislation passed by the States regulating their activities, such as: provisions that a party must have obtained a certain percentage of votes in a previous election to have its candidates appear on the ballot for a subsequent election. The most extensive State legislation deals with party campaign expenditures and corrupt practices in soliciting funds and obtaining votes.

2. WHAT ARE THE QUALIFICATIONS FOR VOTING IN THE PRIMARY ELECTIONS?

a. All States require that a voter be 21 years of age.
b. All States require that a voter be a citizen of the United States.

c. All States require a period of residence in the State, County and in the voting district.

d. All but about 8 States require some form of registration prior to voting in primaries elections.

e. A few states require a person to hold property free of taxes or to take a literacy test.

f. 8 States require payment of a poll or head tax.

3. WHAT ARE THE LIMITS OF PARTY DISCIPLINE IN THE TWO GREAT PARTIES?

Party membership in the United States is very flexible. To belong to a party does not entail the paying of dues unless the local situation is such that payment of dues is required for participation in party activities. Neither of the major parties make a point of direct disciplining of members who leave the party and affiliate with another party. Discipline is effected through denial of perquisites such as recommendations for appointments to offices, but in general there is an American tradition of adherence to parties in some sections of the country in which party affiliations are continued through two or three generations in a family. For the active party members, loyalty to the party either through personal loyalty to its local, State or national leaders or to the party principles provides the most cogent appeal in disciplining members.

4. WHAT ARE THE SOURCES OF PARTY FUNDS AND WHAT ARE THEIR NORMAL DIMENSIONS?

In general the party raised its funds through individual contributions ranging from the smal small contribution of the party member to a large contribution of a wealthy industrialist. Funds are also obtained from corporations, labor unions and other organizations. Both State and Federal legislation has attempted to limit party campaign expenditures with some degree of success.

Below is a table showing party expenditures for the calendar year 1936 (a Presidential election year) as reported by a +Committee of the United States Senate:

Republican National Committee	$8,892,971.53
Republican State Committees	4,969,129.16
Miscellaneous Republican organizations.	336,102.23
Republican Total.....	$ 14,198,202.92

(or 85 cents per vote)

Democratic National Committee	$5,651,118.40
Democratic State Committees	2,757,236.38
Miscellaneous Democratic organizations.	820.052.05
Democratic Total.....	$. 9,228,406.85
(or 33 cents per vote)	
Republican Total..... (or 85 cents per vote)	$ 14,198,202.92
Democratic Total..... (or 33 cents per vote)	9,228,406.85
Socialist Total..... (or 20 cents per vote)	37,635.00
Communist Total..... (or $3.37 per vote)	270,489.40
Union Party Total..... (or 11 cents per vote)	94,742.07
Grand Total.....	$ 23,973,329.82

Note: Under our system of government, the national government is given specific powers which are expressly enumerated in the Constitution. States, on the other hand, do not enjoy such definite authority; they are supposed to have the powers which are not given to the national government and are not expressly forbidden to them. This necessiates a far-reaching legal differentiation: the national Constitution must be searched for positive authorization, whereas a state constitution does not have to contain a specific clause which confers power. In other words if an ant of Congress is challenged, it is necessary to show the courts one or more provisions of the federal constitution which grant such power; whereas when a state act is objected to, the courts will ordinarily only inquire whether the state constitution prohibits such an exercise of power. Thus the State constitutions tend to be somewhat more negative in character than the federal counterpart.

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